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REMARKS

**The Examiner's 35 USC § 112**

With regard to the lack of antecedent basis for the phrase "said at least one polymeric film layer" in line 9, claim 1 has been amended to provide proper basis.

With regard to the phrase "said matrix" in claim 1, line 15, the phrase has been amended to read "said polymeric matrix" to provide a proper antecedent.

With regard to the rejection to claims 8, 11, 12, and 13, provision has been made in claim 1 for proper antecedent basis for the phrase "the polymeric layer".

Claim 9 has been amended by replacing "said film" with "said polymeric layer" to provide proper antecedent basis.

**The Examiner's 35 USC § 103 Rejection of the Claims**

The Examiner has rejected claims 1-14 as being unpatentable over Dobrin et al (5,628,737) in view of Soga et al. (5,364,381).

The Examiner states: Dobrin discloses all aspects of the claimed invention with the exception of a particulate filled imbedded in the polymeric film layer. ...The article further comprises a laminate, as shown in figure 3, which extends into both the core region and the chassis region to form a core backsheet and a chassis backsheet. The laminate comprises a polymeric film layer, as described in column 6, lines 42-43, and a fibrous layer, as described in column 9, lines 51-52. The laminate is a breathable unitary layer. The laminate comprises apertures in the chassis region giving the chassis region a higher degree of breathability than the core region."

However, Dobrin discloses apertured side panels and this aperturing results in increased permeability of the panels. In contrast, the instant claims, as amended, require that the unitary layer of the instant article contain cracks, these cracks are sufficiently small to allow only gas molecules to pass, i.e., no aperturing is present in the instant unitary layer. The increase in moisture vapor transmission rate is the result of the cracks formed around the particulate filler material. As Dobrin's backsheet does not comprise particulate filler material, the structures of the instant application are not taught.

The backsheet of Soga comprises an air-permeable and liquid impermeable backsheet for use in body fluid absorbent articles. The backsheet is subjected to a pore formation treatment, at least including a stretching step to form air permeable fine pores and to roughen the surface of the sheet. The backsheet does comprise inorganic filler particles. The entire

acksheet is "roughened" and then some portions thereof are smoothed". These smoothed portions can retain some level of fine pores. The smoothed areas are transparent so that when the absorbent article becomes soiled, the soil is readily visible in those areas, whereas the roughened areas are opaque. The only "patterns" of rough/smooth areas shown in Soga are circles and stripes. The citation does state at column 3, lines 36, "...it is relatively difficult for the stained absorbent core to be seen through the rough surface zone and, therefore, this rough surface zone can be used to conceal the stained absorbent core. For this purpose, the location as well as size of the rough surface zone may be appropriately selected." While not specifically stated in the citation, this indicates that the smooth areas, which have been heat treated, would be located in the outer areas of the diaper, i.e., around the leg openings to indicate when leakage might be imminent, while the core portion of the diaper would be roughened, to allow air-permeability with fluid-impermeability. Therefore, Soga teaches away from the instant application where the core region of the article has a lower MVTR than the chassis region.

Therefore, if one of skill in the art were to be given Dobrin and Soga and instructed to produce products of their combined teachings, many products would be possible, but none would be that of Applicants.

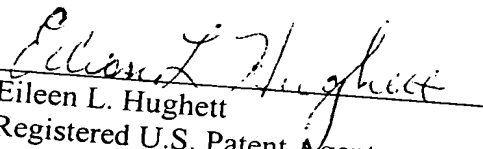
### CONCLUSION

For the foregoing reasons, Applicants respectfully submit that the applied references and reference combinations do not render obvious amended claims 1-14. In addition, the USC 112 objections should be obviated by the amendments. Accordingly, favorable reconsideration of claims 1-14 is earnestly solicited in the form of a Notice of Allowance. Should any issues impeding continuing examination of this Application remain, the Examiner is encouraged to contact the undersigned by telephone at the earliest possible date to achieve a timely resolution.

Respectfully submitted

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## VERSION WITH MARKINGS TO SHOW CHANGES MADE

1. Absorbent article comprising  
an absorbent core defining a core region comprising a core backsheet material ;  
a chassis region surrounding said core region comprising a chassis backsheet material;  
whereby at least the core backsheet material comprises a laminate;  
said laminate comprising at least one polymeric layer comprising a vapour or gas permeable [polymeric] film material, and further comprising a fibrous layer positioned towards the outer side of the article during its intended use, characterized in that  
said at least one polymeric [film] layer is a unitary layer extending both into the core backsheet material and the chassis backsheet material,  
and whereby the core backsheet material and the chassis backsheet material which comprises said unitary layer exhibit different degrees of breathability such that MVTR value of the core backsheet material is lower than of the chassis backsheet material, and wherein said polymeric [film] layer comprises a polymeric matrix and particulate filler material embedded in said polymeric matrix and wherein said breathability is provided by cracks formed around said particulate filler material.
2. An absorbent material according to claim 1, wherein the polymeric [film] layer is wider than the fibrous layer.
3. Absorbent article according to claim 1 further characterised in that  
in the core region the MVTR is at least 500 g/24hr/m<sup>2</sup>.
4. Absorbent article according to claim 3 further characterised in that  
in the core region the MVTR is at least 1500 g/24hr/m<sup>2</sup>.
5. Absorbent article according to claim 1 further characterised in that  
the MVTR values of the backsheet of the chassis region surrounding the core region are at least 20% higher than the MVTR values of the backsheet in the core region.
6. Absorbent article according to claim 1 further characterised in that

the MVTR values of the backsheet in the chassis region surrounding the core region are at least 500 g/24hr/m<sup>2</sup> higher than the MVTR values of the backsheet in the core region.

7. An absorbent article according to claim 4, whereby the filler material is calcium carbonate.
8. An absorbent article according to claim 1, whereby said polymeric layer in the chassis region has a basis weight of less than 50 gsm.
9. An absorbent article according to claim 1, whereby said laminate layer has a basis weight of less than 70 gsm where it comprises said polymeric layer [film] and said fibrous layer.
10. An absorbent article according to claim 1, whereby said fibrous layer is a non-woven web.
11. An absorbent article according to claim 1, whereby the polymeric layer and the fibrous layer are combined by heat or melt bonding.
12. An absorbent article according to claim 1, whereby the polymeric layer and the fibrous layer are combined by extrusion coating.
13. An absorbent article according to claim 1, whereby the polymeric layer and the fibrous layer are combined by adhesive.
14. Absorbent article according to claim 1, whereby the article is a baby diaper or an adult incontinence article.